

## Remarks

With respect to the Species Election Requirement contained in the Office Action, Applicant elects Species I with traverse. Claims 47-52 read on the elected Species I.

The reason for the traverse is that independent claim 47 is generic to all of the claims. In addition, there is no supporting analysis relating the species election to the claims. Rather, the Examiner has taken each set of claims and deemed it as a separate species.

With regard to election of species MPEP §814 states as follows:

814 Indicate Exactly How Application Is To Be Restricted

## SPECIES

The mode of indicating how to require restriction between species is set forth in MPEP §809.02(a).

As pointed out in Ex parte Ljungstrom, 1905 C.D. 541, 119 O.G. 2335 (Comm'r Pat. 1905), the particular limitations in the claims and the reasons why such limitations are considered to restrict the claims to a particular disclosed species should be mentioned if necessary to make the requirement clear."

In view of the above cited MPEP rule, Applicant would submit that the species election requirement is invalid on its face. Accordingly favorable consideration and allowance of claims 47-67 is respectfully requested. An Information Disclosure Statement is being filed concurrently with this Response. Should any issues arise that will advance this case to allowance, the Examiner is asked to contact the undersigned by telephone.

DATED this 24th day of May, 2004.

Respectfully submitted:



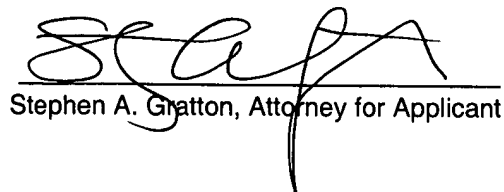
STEPHEN A. GRATTON  
Registration No. 28,418  
Attorney for Applicants

2764 S. Braun Way  
Lakewood, CO 80228  
Telephone: (303) 989-6353  
FAX (303) 989-6538

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to: Mail Stop Non Fee Amendment, Commissioner For Patents, PO BOX 1450, Alexandria, VA 22313-1450 on this 24th day of May, 2004.

May 24, 2004  
Date of Signature



Stephen A. Gratton, Attorney for Applicant